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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,368	01/21/2004	Fu-Shen Ho	HOFU3001/EM	9836
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BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			EXAMINER KEEFER, MICHAEL E	
			ART UNIT	PAPER NUMBER
			2154	
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			11/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/760,368

Applicant(s)

HO, FU-SHEN

Examiner

Michael E. Keefer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Application filed 1/21/2004.

Claim Objections

2. Claims 1-7 are objected to because of the following informalities:

Regarding claim 1, the acronyms "HTTP", "XML", "VoIP", and "ITSP" should be fully written out the first time they are used in the claims. (I.e. the first use of "HTTP" should be deleted and replaced with --HyperText Transfer Protocol (HTTP)--). Additionally, the word --device-- should be added to the end of the last line of the claim.

Regarding claim 5, in line 5 of claim 5, the word "-request" should be deleted and replaced with the word ---response--.

Regarding claims 6-7, the above statement about acronyms regarding claim 1 applies here to the acronyms "FQDN", "FTP", and "TFTP".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, it is unclear what actions "registration and related processing" is actually referring to, even read when in light of the specification, which merely states

the same language as in the claims. (i.e. Page 7 lines 3-5) Therefore, the examiner will be giving the broadest reasonable interpretation to "registration and related processing".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Cherchali et al. (US 6847704), hereafter Cherchali.

Regarding **claim 1**, Cherchali discloses:

A communication system (Fig. 1) comprising employing HTTP as a transfer protocol (Fig. 2, items G and H); writing required provision-request documents and provision-response documents in XML syntax (Fig. 2, items G and H, Fig. 3 items h and j,); enabling a VoIP device to communicate with a provisioning server of an ITSP in a connection over the Internet (Abstract, "A provisioning server communicates with the telephony adapter, see also Fig. 1), retrieving setting parameters required by the VoIP device from a user database of the provisioning server (Fig. 2, steps G-I), and automatically configuring the VoIP (Fig. 2, Fig. 3).

Regarding **claim 2 as applied to claim 1**, Cherchali discloses:

wherein in response to activating the VoIP device, the VoIP device uses the HTTP as a transfer protocol to issue a provision-request package and send the same to the provisioning server over the Internet so that the provisioning server verifies the identification of the provision-request package in response to receiving the provision-request package, and if the verification is true, reads parameters from the user database of the provisioning server required to configure the VoIP device, stores the configuration parameters in a provision-response package, and sends the provision-response package back to the VoIP device, and the VoIP device performs a configuration on itself based on the sent back configuration parameters in response to receiving the provision-response package. (Col. 4, lines 21-49, Note that the provisioning server verifies the MAC address of the telephony device, then sends information to the subscriber if the MAC address is identified as legitimate. This process is preformed in conjunction with the previously cited process in Fig. 2)

Regarding **claim 3 as applied to claims 1-2**, Cherchali discloses:

wherein after finishing the configuration, registration and related processing with respect to the VoIP device are done by a call agent of the ITSP. (Fig. 5-6 disclose further functions preformed by a call management server (i.e. a call agent.)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherchali as applied to claims 1-3 above, and further in view of Park (US 2003/0177271).

Regarding **claims 4-5**, Cherchali discloses:

Request means (these are inherent in the XML request and response G and I in Fig. 2, as in order for the recipient of the message to understand what to do with it, it must have some sort of identifier stating the purpose of the message)

Header means (including the XML version in the header XML request is inherent as per the definition of the XML standard.)

Message body means (Col. 5 lines 29-57 list many different items that may be included in the body of the message, for instance the encryption key)

Device information means (Col. 5 lines 29-57 disclose including the IP address and MAC address of the device in the request, in addition, these addresses are inherently in the structure of IP packets and Ethernet frames that are transmitted on the network.)

Cherchali discloses all the limitations of claims 4-5 except for including in the messages: product descriptions, customer numbers, and serial numbers.

The general concept of including product descriptions, customer numbers and serial numbers in a provisioning request or response is well known in the art as taught by Park. ([0013-0014] teach the inclusion of device type (i.e. product description),

device ID (customer number), and a serial number in an XML provisioning request/response.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cherchali with the general concept of including product descriptions, customer numbers and serial numbers in a provisioning request or response as taught by Park in order to allow greater customization of provisioning information based off of individual device parameters.

9. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherchali and Park as applied to claims 1-3 and 5 above, and further in view of Eshun et al. (US 2005/0031108), hereafter Eshun.

Cherchali teaches: means for representing an address of FTP, TFTP, or HTTP sever and means for representing a name of a firmware file. (Col. 5 lines 42-45 disclose a configuration file name and an address of the server that has the file.)

Means for representing a name of the VoIP device. (The name is represented by the MAC address of the VOIP device, as well as the IP address, plus any FQDN that might be assigned to the device.)

Cherchali and Park teach all the limitations of claims 6-7 except for including the address and port of the call agent and a service scope.

The general concept of including a call agent address and port and service scope in a response is well known in the art as taught by Eshun. ([0093-0094] teach the inclusion of signaling server addresses and other management server addresses, additionally class configuration parameters include a service scope. Port information

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would be inherent in the inclusion of signaling server addresses of a client would not be able to connect to the servers.)

NATHAN FLYNN
SUPERVISOR OF THE CLIENT
PATENT EXAMINER

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cherchali and Park with the general concept of including a call agent address and port and service scope in a response as taught by Eshun in order to reduce the number of messages necessary to set up a device.